

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C50

Serial No: 10/015,480 Group Art Unit: 1642

Filed: December 11, 2001 Examiner: Nickol, Gary B

For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF DAN L. EATON, Ph.D.,AUDREY GODDARD, Ph.D., PAUL J. GODOWSKI, Ph.D.,AUSTIN GURNEY, Ph.D., P. MICKEY WILLIAMS, Ph.D. andWILLIAM I. WOOD, Ph.D. UNDER 37 CFR 1.131

We, Dan L. Eaton, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., P. Mickey Williams, Ph.D. and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent No. 6,525,174 (Young *et al.*, issue date February 25, 2003 and effective priority date December 4, 1998).
3. The polypeptide designated as PRO1304 (SEQ ID NO:180) claimed in the above-identified application in the United States was sequenced, cloned and homology to FK506 binding protein identified prior to December 4, 1998.
4. U.S. Provisional Application No. 60/100,711, filed on September 17, 1998 discloses sequences designated as SEQ ID NO:1 and SEQ ID NO:2, which are identical to SEQ ID NO:179 and SEQ ID NO:180, respectively, of the above-identified application.

5. U.S. Provisional Application No. 60/100,711, filed on September 17, 1998 further discloses that SEQ ID NO:2, corresponding to SEQ ID NO:180 of the above-identified application, has homology to FK506 binding protein.
6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Ray Esh

Dan'l. Eaton, Ph.D.

10.11-04

Date

Audrey Goddard, Ph.D.

Date

Paul J. Godowski, Ph.D.

Date

Austin Gurney, Ph.D.

Date

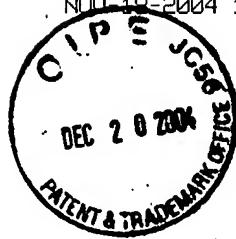
P. Mickey Williams, Ph.D.

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William I. Wood, Ph.D.

Date

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Austin Gurney, Ph.D.

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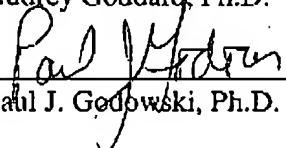
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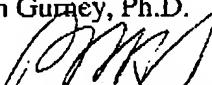
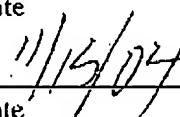
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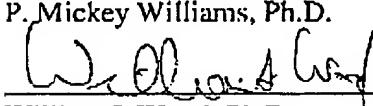
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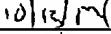
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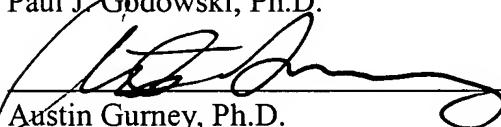
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